

JF

FILED  
DEC 12 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

1 CARMEN ROY MALDONADO  
2 P.O. BOX. 2790  
3 SALINAS, C.A. 93902

4 In pro-per

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 CARMEN ROY MALDONADO J.R.

11 Plaintiff,

CV

CASE NO.

6282

12 vs. THE SUPERIOR COURT OF

13 SAN BENITO COUNTY AND C.D.C

14 ON A CIVIL AND Defendant.  
15 CRIMINAL APPEAL

JF

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28 APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK

450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA 94102  
(415) 522-2000  
FAX (415) 522-2176

December 6, 2007

Carmen Roy Maldonado  
P.O. Box 2790  
Salinas, CA 93902

Dear Sir/Madam:

We have received your money order #11546702921 in the amount of \$10.00; however, we are returning it for the following reason:

- ☐ We do not accept "not to exceed" checks. Please contact the appropriate court personnel for the exact amount to remit.
- ☒ Your check is issued in the wrong amount. The correct amount should be **\$5.00**.
- ☐ We are unable to determine the purpose of your payment. Please provide the case number, case name and purpose of your payment.
- ☒ Other: **Submit \$5.00 fee and send letter indicating intake holding petition.**

Once you have provided the above requested information, please return or provide another check in the correct amount to our office.

Sincerely,

  
Sonya Gueretta  
Financial Technician

UNITED STATES DISTRICT  
COURT FOR THE  
NORTHERN DISTRICT OF  
CALIFORNIA.

EXHIBIT.1 THE MEMORANDUM 1-2.

EXHIBIT.2 THE OLD PETITION OF WRIT WITHOUT THE CASE  
NUMBER 1-3.

EXHIBIT.3 THE SAME CASE ON BOTH WRITS WITH ONE CASE  
NUMBER THE WRIT THAT IS THE SAME HAS A NEW NUMBER.  
1-12.

1  
2 UNITED STATES DISTRICT  
3 COURT FOR THE  
4 NORTHERN DISTRICT OF  
5 CALIFORNIA.  
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8 PLEASE TAKE NOTE:

9 On 3-15-07 In two cases that are still open  
10 all these cases will all consolidate with the GRAND JURY  
11 INQUIRE.

12 I had sent an MEMORANDUM addressing the  
13 courts of limitations of responding to  
14 the DEFENDANT In re THE STATE OF CALIFORNIA  
15 OF SAN BENITO COUNTY VS, CARMEN ROY MALDONADO J.R.  
16 Also there is an open case with the DEPARTMENT OF  
17 CORRECTIONS. I have exhausted all lower county state  
18 as well the system the is design for C.D.C. inmates  
19 or DEFENDANTS ON CRIMINAL OR FEDERAL  
20 REFERRALS. Its up to the probait or the  
21 appeals department to pick with way they would like  
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3 UNITED STATES DISTRICT  
4 COURT FOR THE  
5 NORTHERN DISTRICT OF  
6 CALIFORNIA.

7 to proceed. I never got respond of what I  
8 addressed the court in the MEMORANDUM.

9 I resubmitted the PETITION FOR WRIT OF HABEAS CORPUS  
10 under the same case due to an JUDGE FINDINGS  
11 ON HIS ODERS. In which I sent the burden of proff  
12 the JUDGE also didnt sent the PETITIONER THE  
13 proper forms to noticfy the order to the PETITIONER.

14 I did sent the proper forms but I will resubmit  
15 the request forms over If your courts would like to  
16 contact me for an more information into this case  
17 but Iam limited to some questioning but I will provide  
18 your courts or INQUIRE OFFICERS WITH OLD DOCUMENTS  
19 that I have.

20 I will like to be notified of the old case your  
21 department issued  
22 the PETITIONER a new case number.  
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UNITED STATES DISTRICT  
COURT FOR THE  
NORTHERN DISTRICT OF  
CALIFORNIA.

EXHIBIT.2 THE OLD PETITION OF WRIT 1-3

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**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name MALDONADO .J.R. CARMEN ROY  
(Last) (First) (Initial)

Prisoner Number T-72346

Institutional Address On parole po. box 2790 Salinas C.A. 93902

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CARMEN ROY MALDONADO .J.R.

(Enter the full name of plaintiff in this action.)

vs.

JUDGE STEVEN R. SANDERS THE ACTTING

D.A JOHN J. SANSFIED

THE DEPUTY COMMISSONER OF THE

DEPT OF CORRECTIONS OF C.D.C

(Enter the full name of respondent(s) or jailer in this action)

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

**PETITION FOR A WRIT  
OF HABEAS CORPUS**

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name MALDONADO J.R. CARMEN ROY  
(Last) (First) (Initial)

Prisoner Number T-72346

Institutional Address On state parole

**ORIGINAL  
FILED**

**MAR 15 2007**

**RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CARMEN

ROY MALDONADO .J.R.

(Enter the full name of plaintiff in this action.)

vs.

CALIFORNIA DEPARTMENT OF

CORRECTIONS

AKA- I.G.I.

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

**PETITION FOR A WRIT  
OF HABEAS CORPUS**

CAND-ECF - Docket Report

E-Filing, HABEAS, ProSe

**U.S. District Court  
California Northern District (San Jose)  
CIVIL DOCKET FOR CASE #: 5:06-cv-05560-JF  
Internal Use Only**

Maldonado v. The Superior Court of San Benito County  
Assigned to: Hon. Jeremy Fogel  
Cause: 28:1651 Petition for Writ of Habeas Corpus

Date Filed: 09/11/2006  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner**  
**Carmen Roy Maldonado, Jr.**

**represented by Carmen Roy Maldonado, Jr.**  
T 72346  
460 California Street, Apt #9  
Salinas, CA 93906  
**PRO SE**

V.

**Defendant**

**California Department of  
Corrections  
AKA-I.G.I.**

**Respondent**

**The Superior Court of San Benito  
County**

Date Filed	#	Docket Text
09/11/2006	1	PETITION for Writ of Habeas Corpus. Filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/14/2006)
09/11/2006	2	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (gm, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/14/2006)
09/19/2006	3	MOTION for Leave to Proceed in forma pauperis filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 9/19/2006) (Entered: 09/21/2006)
12/05/2006	4	Letter from Carmen Roy Maldonado, Jr.. (gm, COURT STAFF) (Filed on 12/5/2006) (Entered: 12/08/2006)
03/01/2007	5	ORDER OF DISMISSAL WITH LEAVE TO AMEND. Signed by Judge



## CAND-ECF - Docket Report

Page 2 of 2

		Jeremy Fogel on 3/1/07. (jfsec, COURT STAFF) (Filed on 3/1/2007) (Entered: 03/01/2007)
03/01/2007	6	ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERII; GRANTING EXTENSION OF TIME TO FILE IN FORMA PAUPERIS APPLICATION OR PAY FILING FEE WITHIN THIRTY DAYS by Judge Jeremy Fogel denying [3] Motion for Leave to Proceed in forma pauperis (jfsec, COURT STAFF) (Filed on 3/1/2007) (Entered: 03/01/2007)
03/09/2007	7	MOTION for Leave to Proceed in forma pauperis filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/9/2007) (Entered: 03/13/2007)
03/09/2007	8	EXHIBIT the Evidence from Superior Court, County of San Benito Court Case CR05-1515 filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/9/2007) (Entered: 03/13/2007)
03/15/2007	9	AMENDED PETITION FOR A WRIT OF HABEAS CORPUS against California Department of Corrections. Filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/15/2007) (Entered: 03/16/2007)
03/15/2007	10	EXHIBITS re [9] Amended Complaint filed by Carmen Roy Maldonado, Jr. (Related document(s)[9]) (gm, COURT STAFF) (Filed on 3/15/2007) (Entered: 03/16/2007)
05/11/2007	11	ORDER RE ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES: Case designated for electronic filing. Effective immediately all represented parties will e-file their submissions to the court. Represented parties will be required to serve paper copies by mail on unrepresented parties. Unrepresented litigants will continue to file and serve all submissions to the court in paper form unless prior leave is obtained from the assigned judge. Signed by Chief Judge Vaughn Walker dated 5/11/07. Copy mailed to counsel of record. (gm, COURT STAFF) (Filed on 5/11/2007) (Entered: 05/18/2007)
05/29/2007	12	Mail Returned as Undeliverable insufficient addres, unable to forward. Mail sent to Carmen Maldonado re Electronic Filing Order from Judge Walker dated 5/11/2007. (bw, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/31/2007)

1  
2 UNITED STATES DISTRICT  
3 COURT FOR THE  
4 NORTHERN DISTRICT OF  
5 CALIFORNIA.

6 EXHIBIT.3 THE SAME WRITS BUT ONE CASE NUMBER AND ITS  
7 AN NEW ONE. ALSO THE DATA IN WHICH THE COURTS REQUESTED  
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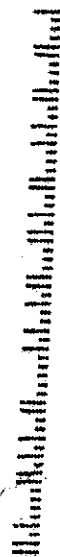
OFFICE OF THE CLERK  
NORTHERN DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
280 SOUTH FIRST STREET, ROOM 2112  
SAN JOSE, CALIFORNIA 95113-3095

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300



Carmen Roy Maldonado, Jr.  
T-72346  
PO Box 2790  
Salinas, CA 93902

93902+2790



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**FILED**

NOV 16 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

Dear Sir or Madam:

Your petition has been filed as civil case number 07-5679 JF.

A filing fee of \$5.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee.

Your petition is deficient because you did not pay the filing fee and:

1. \_\_\_\_ you did not file an In Forma Pauperis Application.

2.XX the In Forma Pauperis Application you submitted is insufficient because:

\_\_\_\_ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

XX Your In Forma Pauperis Application was not completed in its entirety.

\_\_\_\_ You did not sign your In Forma Pauperis Application.

XX You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.


XX You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

\_\_\_\_ Other \_\_\_\_\_

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

**Warning: YOU MUST RESPOND TO THIS NOTICE.** If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether prepayment of the filing fee should be waived.

Sincerely,  
RICHARD W. WIEKING, Clerk,

By   
Deputy Clerk

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY  
MALDONADO, J. R.

Plaintiff,

CASE NO. \_\_\_\_\_

vs.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS

Defendant.

**APPLICATION TO PROCEED  
IN FORMA PAUPERIS**  
(Non-prisoner cases only)

~~AXA-I.G.I~~

CARMEN

I, ROY MALDONADO, J. R., declare, under penalty of perjury that I am the plaintiff in

the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No x\_\_\_

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0.00 Net: 0.00

Employer: NONE

If the answer is "no," state the date of last employment and the amount of the gross and net salary and  
APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

1 wages per month which you received.

2

3

4

5 2. Have you received, within the past twelve (12) months, any money from any of the following  
6 sources:

7 a. Business, Profession or Yes \_\_\_\_ No X  
8 self employment

9 b. Income from stocks, bonds, Yes \_\_\_\_ No X  
10 or royalties?

11 c. Rent payments? Yes \_\_\_\_ No X

12 d. Pensions, annuities, or Yes \_\_\_\_ No X  
13 life insurance payments?

14 e. Federal or State welfare payments, Yes \_\_\_\_ No X  
15 Social Security or other govern-  
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount  
18 received from each.

19

20

21 3. Are you married? Yes \_\_\_\_ No X

22 Spouse's Full Name: \_\_\_\_\_

23 Spouse's Place of Employment: \_\_\_\_\_

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ 0.00 Net \$ \$0.00

26 4. a. List amount you contribute to your spouse's support: \$ 0.00

27 b. List the persons other than your spouse who are dependent upon you for support and  
28 indicate how much you contribute toward their support. (NOTE: For minor children,

APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

5. Do you own or are you buying a home? Yes ☐ No ☒

Estimated Market Value: \$ 0.00 Amount of Mortgage: \$ 0.00

6. Do you own an automobile? Yes ☐ No ☒

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes ☐ No ☒ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes ☐ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ 0.00

Do you own any cash? Yes ☐ No ☒ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☐ No ☒

8. What are your monthly expenses?

Rent: \$ 150.00 Utilities: 0.00

Food: \$ 150.00 Clothing: 0.00

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Account
0.00	\$ 0.00	\$ 0.00
0.00	\$ 0.00	\$ 0.00
0.00	\$ 0.00	\$ 0.00

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

0.00

APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes X No     

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed. ITS UP FOR REVIEW  
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

DATE	SIGNATURE OF APPLICANT
------	------------------------



1 CARMEN ROY MALDONADO  
2 PO. BOX. 2790  
3 SALINAS, C.A. 93902

4 In pro-per  
5  
6  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 CARMEN ROY MALDONADO J.R. }

11 Plaintiff, }

CASE NO. \_\_\_\_\_

12 vs. THE SUPERIOR COURT OF }

APPLICATION TO PROCEED  
IN FORMA PAUPERIS  
(Non-prisoner cases only)

13 SAN BENITO COUTY AND C.D.C }

14 ON A CIVIAL AND Defendant. }

15 CRIMINAL APPEAL }

16 I, CARMEN ROY MALDONADO J.R.,

17 declare, under penalty of perjury that I am the plaintiff in  
18 the above entitled case and that the information I offer throughout this application is true and correct. I  
19 offer this application in support of my request to proceed without being required to prepay the full  
20 amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs  
21 of this action or give security, and that I believe that I am entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes \_\_\_\_ No X

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the name and  
25 address of your employer:

26 Gross: \_\_\_\_\_ Net: \_\_\_\_\_

27 Employer: \_\_\_\_\_

28 If the answer is "no," state the date of last employment and the amount of the gross and net salary and  
APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

1 wages per month which you received.

2

3

4

5 2. Have you received, within the past twelve (12) months, any money from any of the following  
6 sources:

7 a. Business, Profession or Yes \_\_\_ No X  
8 self employment

9 b. Income from stocks, bonds, Yes \_\_\_ No X  
10 or royalties?

11 c. Rent payments? Yes \_\_\_ No X

12 d. Pensions, annuities, or Yes \_\_\_ No X  
13 life insurance payments?

14 e. Federal or State welfare payments, Yes \_\_\_ No X  
15 Social Security or other govern-  
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount  
18 received from each.

19

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21 3. Are you married? Yes \_\_\_ No X

22 Spouse's Full Name: \_\_\_\_\_

23 Spouse's Place of Employment: \_\_\_\_\_

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

26 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

27 b. List the persons other than your spouse who are dependent upon you for support and  
28 indicate how much you contribute toward their support. (NOTE: For minor children,

APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

\_\_\_\_\_

\_\_\_\_\_

5. Do you own or are you buying a home? Yes \_\_\_\_ No X

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_\_ No X

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_\_ No \_\_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_\_ No X (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

\_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_\_ No \_\_\_\_ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_\_ No X

\_\_\_\_\_

8. What are your monthly expenses?

Rent: \$ 150.00 Utilities: \$ 150.00

Food: \$ 100.00 Clothing: \$ 50.00

Charge Accounts: 0.

Name of Account	Monthly Payment	Total Owed on This Account
0.	\$ 0.	\$ 0.
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

\_\_\_\_\_

APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes x No     

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

UNITED STATES DISTRICT COURT FOR  
CALIFORNIA. CARMEN ROY MALDONADO J.R. VS THE DEPT OF  
CORRECTIONS OF CALIFORNIA AKA C.D.C. I.G.I c-06-5561

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

DATE

  
SIGNATURE OF APPLICANT

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of \_\_\_\_\_ for the last six months at \_\_\_\_\_ [prisoner name] where (s)he is confined.

[name of institution]  
I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ \_\_\_\_\_ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Authorized officer of the institution]

1 Complete all applicable questions in the proper blank spaces. If you need additional space to  
2 answer a question, you may attach additional blank pages. Make clear the question to which any such  
continued answer refers.

3 Only one sentence or conviction may be challenged in a single petition. If you challenge more  
4 than one, you must do so by separate petitions.

5 **V. After Petition Is Filed**

6 You will be notified as soon as the court issues an order. It is your responsibility to keep the  
7 court informed of any changes of address to ensure that you receive court orders. Failure to do so may  
result in dismissal of your suit.

8 **VI. Inquiries And Copying Requests**

9 Because of the large volume of cases filed by inmates in this court and limited court resources,  
10 the court will not answer inquiries concerning the status of your case or provide copies of documents,  
except at a charge of fifty cents (\$0.50) per page. You must therefore keep copies of all documents  
submitted to the court for your own records.

STEPHEN A. NATHAN  
Santa Clara County Dept. of Correction  
Folsom Jail Complex

CEC 7043886; 407  
701 S. Abel St.

Mailbox # 95035



Clerk of the United States District  
Court for the Northern District of  
California,  
450 Golden Gate Avenue,  
Box 36060, San Francisco, CA 94102